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Total Number of Pages in This Submission

Application Number	10763,719
Filing Date	January 23, 2004
First Named Inventor	Thomas Zdeblick, et al.
Art Unit	3732
Examiner Name	Alvin J. Stewart
Attorney Docket Number	MSDI-200/PC261.21

ENCLOSURES (Check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Brad A. Schepers		
Date	April 24, 2007	Reg. No.	45,431

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:)	Before the Examiner
Thomas Zdeblick et al.)	Alvin J. Stewart
)	
Serial No. 10/763,719)	Group Art Unit 3732
)	
Filed January 23, 2004)	Ref. No. MSDI-200/ PC261.21
)	
METHODS AND INSTRUMENTS)	April 24, 2007
FOR INTERBODY FUSION)	

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
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Sir:

In response to the non-final Office Action dated January 29, 2007, please enter and consider the following remarks. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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April 24, 2007

Date of Deposit

Brad A. Schepers

Name of Registered Representative

Signature

April 24, 2007

Date of Signature

INTRODUCTORY COMMENTS

Claims 15-23, 39-52, 54, 55, 65, 67 and 71 are pending in the subject application. Claims 15-23, 41-43, 52, 65 and 67 have been allowed. Claims 54 and 55 have been objected to, but have been indicated as allowable if rewritten in independent form. The remaining claims 40, 44-51 and 71 currently stand rejected. In view of the following remarks, reconsideration and allowance of the subject application are hereby requested.